



Our Docket No: 42P17666

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christopher J. Cormack

Application No: 10/687,987

Filed: October 17, 2003

For: Translation of Text Encoded in Video
Signals

Examiner: Thomas, Jason M.

Art Unit: 2623

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT –OFFICE
ACTION NOT RECEIVED**

Mail Stop Petition
Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby respectfully requests and petitions the Office to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was neither mailed to Petitioner, nor received by Petitioner. Submitted herewith is an Amendment and Response in reply to the outstanding Office action and a fee authorization for this petition.

I hereby state that:

A. The Office action for the above-identified application indicated as mailed on July 9, 2008 to Sunnyvale, California was not mailed to California but to the Office, and

B. The Office Action for the above-identified application indicated as mailed on July 9, 2008 was not received by Petitioner.

C. As to statement A, Attached as Exhibit A is a print of a screen from the Image File Wrapper of PAIR maintained by the Office indicating that on July 10, 2008 mail was returned to the Office as undeliverable.

Attached as Exhibit B is the first page of the document associated with that entry for July 10, 2008. The document is the Office action indicated as mailed on July 9, 2008. The document shows a receive stamp from OIPE of July 10, 2008, consistent with the date of the entry into the Image File Wrapper.

Petitioner respectfully submits that the United States Postal Service is unable to deliver mail from Virginia to California and return it as undeliverable in one day. The course of post from Virginia to California is about 5 days. If the Office action had been mailed to California and returned as undeliverable, then the return would have been received by the Office no sooner than July 18, 2008 and more likely on or about July 23, 2008. The course of post from any location in the United States to any location in the United States is never less than one full day. Accordingly, the reason that the Office action mailed on July 9, 2008 was returned the next day to the Office on July 10, 2008 as undeliverable was that the Office mailed the action to itself. Applicants submit that the Office action was not returned as undeliverable, but simply received by the Office. OIPE, recognizing that the correspondence was from the Office, assumed that the correspondence has been returned.

Applicants further submit that the address on the face of the Exhibit B is the correct address for Petitioner's office used frequently by the Office in 2008 and later.

Accordingly, mail to that address should not be returned as undeliverable and typically is not. Stated another way, there is no reason for the action to have been returned to the Office as undeliverable other than that the address on the outside of the envelope was different from that on the first page of the action.

Mailing an Office action to itself, rather than to Petitioner constitutes an error by the Office sufficient for refund of the petition fees submitted herewith.

D. As to statement B, a search of the file jacket and the docket records in my office indicate that this Office Action was not received.

Attached as Exhibit C is a copy of the record of the entire list of docket activities maintained by Petitioner's office for the above-identified application. In this record, all incoming correspondence is recorded, together with outgoing correspondence and reminders. On the second page of this record there is an entry for a Non-Final Office Action Received with a mail date of July 10, 2008. This refers to the Office action mailed July 9, 2008. The docket record also indicates a received date of July 10, 2008. However this is in error.

Exhibit D is a detail screen from Petitioner's docketing system corresponding to the entry for the Non-Final Office Action Received July 10, 2008. As shown, the record was created by Di Nguyen (an employee of Petitioner's docketing department) on March 25, 2009, more than eight months after the Official mail date of the Office action. This is the date upon which Petitioner's docketing department processed the Notice of Abandonment which is the subject of the present petition.

As shown on Exhibit C, a Notice of Abandonment is indicated on page 1 as being received on March 18, 2009. Exhibit E is the detail for this record and it indicates that

the record was also created on March 25, 2009 by Joel Samson (an employee of Petitioner's docketing department).

Accordingly, Petitioner did not receive the Office action in question. Instead, Petitioner received the Notice of Abandonment which refers to the Office action on or about March 18, 2009. Thereafter, Petitioner's docketing department retrieved the Office action from PAIR and then added entries to the docketing system for both documents on March 25, 2009, about a week after the Notice of Abandonment was received.

E. Applicants have discussed the abandonment with the responsible examiner, Jason Thomas, who indicated that he discussed it with his supervisor. Petitioner was told the Office would not send a new action and reset the period for response but that a petition to revive would be required.

F. In consideration of these submissions, it is respectfully requested that:

1. the holding of abandonment be withdrawn;
2. the above-identified application be passed to the examiner for further prosecution; and
3. all fees associated with this petition be refunded to Petitioner's deposit account as the present petition was necessitated by an error made by the Office.

A duplicate of this paper is attached.

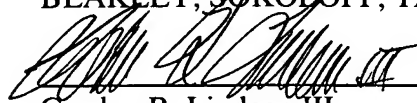
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 28, 2011



Gordon R. Lindeen III

Reg. No. 33,192

1279 Oakmead Parkway
Sunnyvale, California 94085
(303) 740-1980

Exhibit A



United States Patent and Trademark Office

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XML

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Order.Certified Application As Filed Order

10/687,987

Translation of text encoded in video signals

Select New Case

Application Data

Transaction History

Image File Wrapper

Continuity Data

Published Documents

Ad

This application is officially maintained in electronic form. To View: Click the and Print: Check the desired document(s) and click PDF.

Available Documents

Mail Room	Date	Document Code	Document Description	Document
	02-03-2010	EBCC.AD	Notice of Change of Address placed in File Wrapper due to EBC Customer Number update	PROSE
	03-18-2009	ABN	Abandonment	PROSE
	07-10-2008	RETMAL	Mail returned to USPTO as undelivered	PROSE
	07-09-2008	CTNF	Non-Final Rejection	PROSE
	07-09-2008	SRFW	Search information including classification, databases and other search related notes	PROSE
	07-09-2008	FWCLM	Index of Claims	PROSE
	04-07-2008	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSE
	04-07-2008	CLM	Claims	PROSE
	04-07-2008	REM	Applicant Arguments/Remarks Made in an Amendment	PROSE
	04-07-2008	WFEE	Fee Worksheet (PTO-875)	PROSE
	01-24-2008	CTNF	Non-Final Rejection	PROSE
	01-24-2008	892	List of references cited by examiner	PRI
	01-24-2008	SRFW	Search information including classification, databases and other search related notes	PROSE
	01-24-2008	FWCLM	Index of Claims	PROSE
	01-24-2008	BIB	Bibliographic Data Sheet	PROSE
	01-24-2008	SRNT	Examiner's search strategy and results	PROSE
	01-24-2008	1449	List of References cited by applicant and considered by examiner	PRI

Exhibit B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

JUL 10 2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,987

10/17/2003

Christopher J. Cormack

42P17666

1395

8791

7590

07/09/2008

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER

THOMAS, JASON M

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.









Exhibit C












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Matter	Edit	
Title	TRANSLATION OF TEXT ENCODED IN VIDEO SIGNALS	File # 42P17666
Type	Utility - ORG	Country United States of America
Client	Intel Corporation	Client File #
FIP ID:	297425	Publication Date Apr 21, 2005
Status	Pending	Matter Entity Size Large
Date Filed	Oct 17, 2003	Issue Date
Application #	10/687,987	Patent #
Committee, Division or Group:	GRAPHICS & CONSUMER VIDEO	In-house filed: No
Multiple Priority:	No	Nonpublication Request:

Created by FIP System, Jul 28, 2006 5:28:24 PM Hosted By Blakely Sokoloff Taylor & Zafman LLP








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Delete	Activity	Description/Comments	Status	Date 1	Date 2	Quick Links	Edit	Add
<input type="checkbox"/>	<u>Matter Management</u>		Open					-- Add --
<input type="checkbox"/>	<u>Supplemental Information Disclosure Statement</u>		Open: Docket Items	Supplemental IDS Due : Jun 14, 2010			Edit	-- Add --
<input type="checkbox"/>	<u>Supplemental Information Disclosure Statement</u>		Open: Docket Items	Supplemental IDS Due : Oct 10, 2009			Edit	-- Add --
<input type="checkbox"/>	<u>Supplemental Information Disclosure Statement</u>		Open: Docket Items	Supplemental IDS Due : Oct 3, 2009			Edit	-- Add --
<input type="checkbox"/>	<u>Petition To Revive or Withdraw Holding of Abandonment</u>	Petition To Revive An Abandoned Application	Open: Docket Items	Petition Due : May 18, 2009			Edit	-- Add --
<input type="checkbox"/>	<u>Supplemental Information Disclosure Statement</u>		Open: Docket Items	Supplemental IDS Due : Apr 26, 2009			Edit	-- Add --
<input type="checkbox"/>	<u>Notice of Abandonment Received</u>	Notice of Abandonment received for failure to REPLY TO THE OFFICE LETTER MAILED ON 09 JULY 2008.	Completed	Date Mailed : Mar 18, 2009	Date Received : Mar 18, 2009		Edit	-- Add --
<input type="checkbox"/>	<u>Supplemental Information Disclosure Statement</u>		Open: Docket Items	Supplemental IDS Due : Jan 21, 2009			Edit	-- Add --
	<u>Non-Final</u>		Open:	Non-Final Office Action Response				

<input type="checkbox"/>	<u>Office Action Response</u>		Docket Items	Due - 3rd and Final extension : Jan 10, 2009		Edit	-- Add --	
<input type="checkbox"/>	<u>Atty Fees For Office Actions</u>	Notify BSTZ committee member from which the application originated if the response will require more than allowed budget in attorney fees (do not include PTO fees); and if so, provide an estimate to the BSTZ committee member within the next week	Open: Docket Items	Deadline to notify BSTZ comm member if OA>allowed budget : Jul 31, 2008	Date Mailed : Jul 10, 2008		Edit	-- Add --
<input type="checkbox"/>	<u>Non-Final Office Action Received</u>		Completed	Date Mailed : Jul 10, 2008	Date Received : Jul 10, 2008		Edit	-- Add --
<input type="checkbox"/>	<u>Non-Final Office Action Response</u>	3/31/08-dlc response filed	Open: Tasks	Date Done : Mar 31, 2008	Postcard Expected : May 12, 2008		Edit	-- Add --
<input type="checkbox"/>	<u>Atty Fees For Office Actions</u>	Notify BSTZ committee member from which the application originated if the response will require more than allowed budget in attorney fees (do not include PTO fees); and if so, provide an estimate to the BSTZ committee member within the next week	Completed	Date Done : Mar 31, 2008	Date Mailed : Jan 24, 2008		Edit	-- Add --
<input type="checkbox"/>	<u>Non-Final Office Action Received</u>		Completed	Date Mailed : Jan 24, 2008	Date Received : Jan 28, 2008		Edit	-- Add --
<input type="checkbox"/>	<u>Supplemental Information Disclosure Statement</u>		Open: Docket Items	Supplemental IDS Due : Dec 10, 2007			Edit	-- Add --
<input type="checkbox"/>	<u>Supplemental Information Disclosure Statement</u>	Supplemental Information Disclosure Statement	Open: Tasks	Date Filed : Nov 30, 2007	Postcard Expected : Jan 11, 2008		Edit	-- Add --
<input type="checkbox"/>	<u>Supplemental Information Disclosure Statement</u>	Supplemental Information Disclosure Statement	Open: Docket Items	Supplemental IDS Due : Oct 20, 2007			Edit	-- Add --
<input type="checkbox"/>	<u>Watch for response to request for status; submit additional request for status if no response received</u>	Watch for response to request for status; submit additional request for status if no response received by today.	Completed	Date Done : Nov 16, 2006			Edit	-- Add --
<input type="checkbox"/>	<u>Response To Status Inquiry</u>	IT IS ESTIMATED THAT THIS APPLICATION WILL RECEIVE AN OFFICE ACTION IN APPROXIMATELY 8/16/2007	Open	Date Mailed : Nov 16, 2006	Date Received : Nov 21, 2006		Edit	-- Add --
<u>Committee Division or</u>				Info				

Committee,
Division or

Info

<input type="checkbox"/>	<u>Group Update</u>		Completed	Updated : Sep 8, 2006	 Edit	-- Add --
<input type="checkbox"/>	<u>Application filed 18 months ago. no office action received. Send status request to PTO.</u>		Completed	Date Done : Mar 20, 2006	 Edit	-- Add --
<input type="checkbox"/>	<u>Deadline to copy and remail file to patent office for they have misplaced this file.</u>		Completed	Date Done : Jul 18, 2005	 Edit	-- Add --
<input type="checkbox"/>	<u>Application filed 18 months ago. no office action received. Send status request to PTO.</u>		Completed	Date Done : Apr 27, 2005	 Edit	-- Add --
<input type="checkbox"/>	<u>Watch for first office action</u>		Completed	Date Done : Apr 26, 2005	 Edit	-- Add --
<input type="checkbox"/>	<u>Original Recorded Assignment Received</u>	Received Original Recorded Assignment for:	Completed	Recordation Date	 Edit	-- Add --
<input type="checkbox"/>	<u>Watch For 1st Office Action</u>	11/16/2006 - Per PAIR, 1st action to be mailed in 9 months.	Completed	Date Received : Jan 24, 2008	 Edit	-- Add --

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Exhibit D

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Title	TRANSLATION OF TEXT ENCODED IN VIDEO SIGNALS	File #	42P17666
Type	Utility - ORG	Country	United States of America
Client	Intel Corporation	Client File #	
FIP ID	297425		

Activity [Edit](#)

Name	Non-Final Office Action Received	Status	Completed
Template Code	OARNSource		

Details [Documents\(0\)](#) [Public Messages\(0\)](#) [Messages\(0\)](#) [Discussions\(0\)](#) [Notes\(0\)](#) [Billing\(0\)](#) [Show All](#) -- SELECT --

[Edit](#)

Activity Details

Name	Non-Final Office Action Received
Status	Completed
Comments	
Public	Yes

Created by: Di Nguyen, Mar 25, 2009 6:44:00 PM

[Add](#) -- SELECT --



Display Column		Name	Value	Action
1	2			

Activity Attributes

X	Date Mailed	Jul 10, 2008	Edit
X	Date Received	Jul 10, 2008	Edit
	Source Matter	42P17666	Edit

Display Column		Name	Value		Comments	Action
1	2		Label	Date		

Docket Task Dates

No docket tasks

Process Task Dates

No Process Tasks

[Edit](#)



Exhibit E

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Matter

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Title	TRANSLATION OF TEXT ENCODED IN VIDEO SIGNALS	File #	42P17666
Type	Utility - ORG	Country	United States of America
Client	Intel Corporation	Client File #	
FLP ID	297425		

Activity

[Edit](#)

Name	Notice of Abandonment Received	Status	Completed
Template Code	ABAN		

Details

[Documents\(0\)](#) [Public Messages\(0\)](#) [Messages\(0\)](#) [Discussions\(0\)](#) [Notes\(0\)](#) [Billing\(0\)](#) [Show All](#)

-- SELECT --

[Edit](#)

Activity Details

Name	Notice of Abandonment Received
Status	Completed
Comments	Notice of Abandonment received for failure to REPLY TO THE OFFICE LETTER MAILED ON 09 JULY 2008.
Public	Yes

Created by: Joel Samson, Mar 25, 2009 6:28:00 PM

[Add](#) -- SELECT --



Display Column		Name	Value	Action
1	2			

Activity Attributes

X	Date Received	Mar 18, 2009	Edit
X	Date Mailed	Mar 18, 2009	Edit

Display Column		Name	Value		Comments	Action
1	2		Label	Date		

Docket Task Dates

No docket tasks

Process Task Dates

No Process Tasks

[Edit](#)

